

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GWENDOLYN COLE-HOOVER, as
Administratrix of the Estate of DAVID COLE,

Plaintiff,

14-CV-429-S

v.

UNITED STATES OF AMERICA,

Defendant.

NOTICE OF MOTION

PLEASE TAKE NOTICE that defendant, by its attorney, Mary K. Roach, Assistant United States Attorney, for William J. Hochul, Jr., United States Attorney for the Western District of New York, hereby moves this Court for an order: (i) pursuant to Federal Rules of Civil Procedure 16(f) and 37(b)(2)(A) of the Federal Rules of Civil Procedure, directing plaintiff to respond to Interrogatory #20 and Notices to Produce 4 and 6 by a day certain, directing plaintiff to appear for a deposition on a day certain, and advising plaintiff that if she fails to comply with the Court's Order, she will be subject to sanctions, including but not limited to dismissal of the action, and for such other and further relief as to the Court may seem just and proper. Defendant's motion is supported by the accompanying declaration of Mary K. Roach.

PLEASE TAKE NOTICE that the motion will be heard at the United States Courthouse, 2 Niagara Square, Buffalo, New York, at a date and time to be set by the Court.

PLEASE TAKE FURTHER NOTICE that defendant intends to serve and file reply papers and, therefore, any papers in opposition to this motion are due fourteen days after service of the motion pursuant to Western District of New York Local Rule 7(b)(2)(B).

DATED: Buffalo, New York, April 1, 2016.

WILLIAM J. HOCHUL, JR.
United States Attorney

BY:

S/MARY K. ROACH
Assistant United States Attorney
United States Attorney's Office
Western District of New York
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Buffalo, New York 14202
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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2016, I electronically filed the foregoing **Notice of Motion** with the Clerk of the District Court using its CM/ECF system.

I further certify that on April 1, 2016, I mailed the foregoing **Notice of Motion** by the United States Postal Service, to:

Gwendolyn Cole-Hoover
7557 Greenbush Road
Akron, New York 14001

S/CHERYL KINMARTIN
Legal Assistant